



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

## DECISION

2022 FEB - 9 P 11:19

**PROPERTY ADDRESS:** 495 Columbia Street  
**CASE NUMBER:** P&Z 21-009  
**OWNER:** Boynton Gateway Owner, LLC  
**OWNER ADDRESS:** 315 Park Avenue South, Suite 400, New York, NY 10010  
**DECISION:** Approved with Conditions (SPA)  
Approved (SP – Civic Space In-Lieu Payment)  
Approved (SP – Contributing Lot)  
**DECISION DATE:** February 3, 2022

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board regarding the development review application submitted for 495 Columbia Street.

## LEGAL NOTICE

Boynton Gateway, LLC proposes to develop a 9-story LEED Platinum lab building in the High Rise (HR) zoning district which requires Site Plan Approval and two (2) Special Permits.

## RECORD OF PROCEEDINGS

On January 20, 2022 the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting were Planning Board members Chair Michael Capuano, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and alternates Debbie Howitt Easton and Russell Plides. Boynton Gateway LLC provided an overview of the proposed 9-story LEED Platinum lab building. After the presentation, Board opened public testimony. Public testimony provided was in support of the project. The Board provided comments and questions related to how tenanting of the building will work and back-of-house design. Clerk Buchanan raised a question about how the parking garage will be accessed and asked if the Applicant could provide the presentation slides to the Board. The Board left written testimony open until Friday January 28, 2022 and continued the public hearing.

On February 3, 2022 the Planning Board resumed the public hearing. Present and sitting were Planning Board members Chair Michael Capuano, Clerk Rob Buchanan, Jahan Habib, Erin Geno, and alternates Debbie Howitt Easton and Russell Plides. The Applicant provided a presentation in response to some of the comments and questions raised by Board members at the previous meeting. After the presentation, Clerk Buchanan raised some concerns around traffic circulation and garage access for the building. After further discussion with the Applicant, and Staff, the Board closed the public hearing and moved with voting.

## Site Plan Approval + Special Permit Considerations

*1. The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that the proposal will help to achieve the following from SomerVision, the Comprehensive Master plan of the City of Somerville:

- Make Somerville a regional employment center with a mix of diverse and high-quality jobs.
- Support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here.
- Invest in the talents, skills, and education of people to support growth and provide opportunities to residents of all social and economic levels.
- Link our corridors, squares, and growth districts to support future development and economic activity.
- Transform key opportunity areas [], Boynton Yards and [] portion of Union Square into dynamic, mixed-use, and transit-oriented districts that serve as economic engines to compliment the neighborhoods of Somerville.
- Increase the recognition of Somerville as a center of arts and creativity.
- Expand bike and pedestrian use by transforming existing infrastructure with accommodations for all bicyclists and pedestrians, resulting in safe, accessible, and well-connected networks.
- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.

*2. The intent of the zoning district where the property is located.*

The Board finds that the proposal is consistent with the intent of the HR zoning district which is, in part, "[t]o accommodate the development of areas appropriate for an intense mix of multi-story multi-unit, mixed-use, and commercial buildings; neighborhood-, community-, and regional-serving uses; and a wide variety of employment opportunities."

The Board finds that the proposal is also consistent with the intent of the Boynton Yards overlay district which, is in, part, "[t]o permit taller and denser development than would otherwise be permitted in the HR district; [T]o require a minimum percentage of developed floor space to be set aside for occupancy by non-residential principal uses; and to constrain the supply of motor vehicle parking spaces to encourage the use of public transit, bicycles, and walking in lieu of driving."

**Site Plan Approval Consideration**

*3. Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Board finds that the proposal includes several design features in response to community feedback received at neighborhood meetings as well as multiple negotiations with direct abutters on the massing of the proposed lab building.

### **Contributing Lot Special Permit Considerations**

4. *Consistency with the approved Urban Design Framework for the sub-area where the subject property is located.*

The Board finds that this project is consistent with the approved Boynton Yards Urban Design Framework.

### **Civic Space In-lieu payment contribution Special Permit Considerations**

5. *If receipt of an in-lieu payment is advantageous to the City in creating or preserving civic space as compared to the civic space that would have been otherwise provided.*

The Board finds that the receipt of an in-lieu payment will be more advantageous for the City's open space goals than creating a civic space on site. The Board find that the lot where the proposed building is located is not adequately sized for a civic space.

### **DECISION**

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **SITE PLAN APPROVAL** for a 9-story LEED Platinum Lab Building. Clerk Buchanan seconded. The Board voted **5-1** to approve the permit, subject to the following conditions:

#### **Perpetual**

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- This Decision does not authorize the removal of any public shade trees or private trees, which is subject to the Tree Preservation Ordinance (Chapter 12, Article VI) of the Somerville Code of Ordinances.
- Utility meters are not permitted on any façade or within the frontage area of the lot.
- Frontage area provided for a widened sidewalk along Columbia St and Webster Ave must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.
- Frontage area provided for a widened sidewalk along Columbia St and Webster Ave must be designed and paved to properly correspond with any sidewalk improvements approved within the public right-of-way.

- Any revisions to the approved design of the frontage area provided for a widened sidewalk must be approved by relevant City Departments.
  - The underground structured parking must be operated as a Commercial Parking facility principal use.
  - The underground structured parking must have a parking access and revenue control system to manage vehicular access and collect parking revenues from patrons.
  - An annual report, including documentation of any changes to the layout plan or operations plan of the parking facility, must be submitted to the Mobility Division to validate continued compliance with the Somerville Zoning Ordinance, this Decision, and the Director of Mobility's standards for monitoring and annual reporting.
- 
- A pedestrian warning system must be provided for the vehicular entrance to the underground structured parking and loading docks to address potential conflicts between pedestrians, cyclists, and motor vehicles. Final design must be approved by the Director of Mobility and the City Engineer.
  - A sign must be provided near the vehicular entrance to the underground parking structured parking that identifies, at minimum, the number of spaces available in real time.
  - A pedestrian warning system must be provided for the vehicular entrance to the underground structured parking and loading docks to address potential conflicts between pedestrians, cyclists, and motor vehicles. Final design must be approved by the Director of Mobility and the City Engineer.
  - A sign must be provided near the vehicular entrance to the underground parking structured parking that identifies, at minimum, the number of spaces available in real time.
  - The property owner and applicable future tenants shall comply with the Mobility Management Plan submitted February 2021, as approved and conditioned by the Director of Mobility on April 26, 2021.

Prior to Building Permit

- Physical copies of all development review submittal materials, as permitted by the Planning Board, must be submitted to the Planning & Zoning Division for the public record.
- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning & Zoning Division for the public record.
- Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.
- An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.

- A new wind study with findings and recommendations must be submitted to the Director of Planning, Preservation, and Zoning prior to applying for a Building Permit. Any locations determined to have wind velocities exceeding acceptable levels for the intended pedestrian activities at that location must be mitigated to every extent practicable. Any changes to the approved building design must be submitted to the Director of Planning as a plan revision.
- Bike room must be constructed at grade and final design must be approved by the Mobility Director.
- All Stage 2 documentation required by the LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment and must include the following:
  - A detailed document outlining why the use of electrification technologies were excluded.
  - A detailed document explaining how the proposed lab building will align with the City of Somerville's Carbon Neutral goals.

Prior to Certificate of Occupancy

- To mitigate transportation impacts, a curb separated bicycle facility must be incorporated along Columbia St frontage and must be interconnected with existing and planned bicycle facilities in the Boynton Yards subarea district. Final design must be approved by relevant City Departments.
- To mitigate transportation impacts, the eastern side of Webster Avenue must be improved with a curb separated bikeway if determined to be spatially feasible by the Director of Mobility. Final design must be approved relevant City departments.
- All Stage 3 documentation required by the Office of Sustainability & Environment's LEED Certifiability Requirements must be submitted to the Office of Sustainability & Environment.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **SPECIAL PERMIT** authorizing a contributing lot in the MPD overlay district. Clerk Buchanan seconded. The Board voted **5-1** to approve the permit.

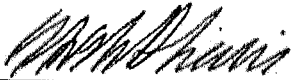
Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **SPECIAL PERMIT** authorizing a payment in lieu of a required civic space. Clerk Buchanan seconded. The Board voted **6-0** to approve the permit.

Attest, by the Planning Board:

Michael Capuano, *Chair*  
Rob Buchannan, Clerk  
Jahan Habib

495 Columbia Street

Erin Geno  
Debbie Howitt Easton

A handwritten signature in dark ink, appearing to read "Sarah Lewis", written over a horizontal line.

Sarah Lewis,  
Director of Planning & Zoning

**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

**FOR VARIANCE(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

**FOR SPECIAL PERMIT(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

**FOR SITE PLAN APPROVAL(S) WITHIN**

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk      Date \_\_\_\_\_